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16
17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 SAMANTHA MARIE TURNER, by and
20 through her guardian ad litem, DIANA LYNN
TURNER,

21 Plaintiff,

22 v.

23 COUNTY OF ALAMEDA, a governmental
24 entity; GREGORY J. AHERN; in his capacity
as Sheriff for COUNTY OF ALAMEDA;
25 MICHAEL GALLARDO, individually, and in
his capacity as a deputy sheriff for COUNTY
26 OF ALAMEDA; and, DOES 1-25, inclusive,

27 Defendants.

28 Case No. C10-03927 MEJ

STIPULATION AND [PROPOSED] ORDER
CONTINUING DISPOSITIVE MOTION
DEADLINES

1 Defendants COUNTY OF ALAMEDA, SHERIFF GREGORY AHERN and DEPUTY SHERIFF
2 MICHAEL GALLARDO and plaintiff SAMANTHA MARIE TURNER, by and through their respective
3 attorneys of record, hereby stipulate as follows:

4 1. Pursuant to the Court's Order, dated 12-3-10, the following discovery and dispositive
5 motion deadlines were set:

- 6 (A) Disclosure of Expert Witnesses and Expert Reports to be served by 8-5-11;
- 7 (B) Disclosure of Rebuttal Expert Witnesses to be served by 8-15-11;
- 8 (C) Expert and Non-Expert Discovery to be completed by 8-30-11;
- 9 (D) Motions to Compel Discovery shall be filed by 9-9-11, which is ten (10) days after
10 the discovery cut-off date of 8-30-11;
- 11 (E) All Dispositive Motions shall be filed, served, and noticed by 9-29-11;
- 12 (F) The Court shall hear dispositive motions on 11-3-11 at Courtroom B, 15th Floor,
13 Federal Building, 450 Golden Gate Avenue, S.F., CA 94102;

14 2. On July 28, 2011 the parties submitted a stipulation and proposed Order seeking to modify
15 certain dates. No change was made to the dispositive motion deadline or hearing date. The Court did
16 approve the parties stipulation modifying other dates as follows:

- 17 (A) Extension of deadline for expert disclosures until November 30, 2011;
18 Extension of deadline for completion of expert depositions to December 21, 2011;
- 19 (B) Extension of defendants' deadline to have plaintiff submit to a mental and, if
20 necessary, physical examination and, if necessary, to compel that examination
21 until November 30, 2011; and
- 22 (C) Referral of the parties to a Magistrate Judge and schedule a Settlement Conference
23 after the close of non-expert discovery on August 30, 2011 and before
24 November 4, 2011.

25 3. The parties are scheduled to appear for a Settlement Conference before the Honorable
26 Bernard Zimmerman on November 3, 2011.

27 4. Plaintiff served a settlement demand on September 7, 2011. Because substantial fees and
28 costs associated with a motion for summary judgment/adjudication and substantial expert fees will be

1 incurred prior to the November 3, 2011 Settlement Conference, the parties are now actively engaged in
2 settlement discussions.

3 5. To avoid fees and costs that the parties might expended unnecessarily while discussing
4 settlement, the parties respectfully request this Court modify its December 3, 2010 scheduling order.

5 6. For all the good cause reasons stated above, the parties respectfully request this Court
6 continue the deadline for the filing of dispositive motions from September 29, 2011 until October 13,
7 2011. The parties further request that the Court continue the hearing date of dispositive motions from
8 November 3, 2011 until November 17, 2011, or a date thereafter as convenient to the Court.

9 7. Pretrial documents are due on January 19, 2012, and the scheduled date for Trial is March
10 5, 2012. Therefore, the parties' request for extension of deadlines should not interfere with the presently
11 scheduled pretrial and trial dates set by the Court.

12 8. The parties respectfully request that the Court approve this stipulation and incorporate its
13 terms in an Order.

14 **IT IS SO STIPULATED.**

15 Respectfully submitted,

16 LAW OFFICES OF GAYLA B. LIBET

17 Dated: 9-22-11

By: /s/ Gayla B. Libet, Esq.
Gayla B. Libet, Esq.
Attorneys for Plaintiff

20 LAW OFFICES OF JOHN L. BURRIS

22 Dated: 9-22-11

By: /s/ John L. Burris, Esq.
John L. Burris, Esq.
Attorneys for Plaintiff

25 BERTRAND, FOX & ELLIOT

27 Dated: 9-22-11

By: /s/ Michael C. Wenzel, Esq.
Michael C. Wenzel, Esq.
Attorneys for Defendants

ORDER

GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to same, the parties' stipulation is hereby APPROVED. The deadline for the filing of dispositive motions is continued from September 29, 2011 until October 13, 2011. Dispositive motions shall be heard on November 17, 2011.

IT IS SO ORDERED.

DATED: September 22, 2011

HONORABLE MARIA-ELENA JAMES
Chief United States Magistrate Judge